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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,019	08/10/2006	Mitsunori Tanaka	1248-0688PUS1	4188
2292 7590 10/07/2010 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER NGUYEN, MICHAEL				
ART UNIT 2617		PAPER NUMBER		
NOTIFICATION DATE 10/07/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/589,019

Applicant(s)

TANAKA, MITSUNORI

Examiner

MICHAEL NGUYEN

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 1-17 and 21-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 8/10/06, 11/27/07, 2/25/08, 2/17/09, 2/17/09

DETAILED ACTION

Election/Restrictions

1. Applicant's election **without** traverse of group V (include claims 18-20) in the reply filed on 6/29/2010 is acknowledged. Claims 1-17 and 21-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Accordantly, this restriction is made final.

Claim Objections

2. Claim 18-20 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 19-20. See MPEP § 608.01(n). Accordingly, claim 18 include limitation of claims 1 and 7. Since claims 1 and 7 are withdrawn from examination, or may potentially be cancelled, then claim 18 will be not have all the limitation or an empty claim. The examiner suggests rewriting claim 18 to include all limitation of claims 1 and 7.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 18-20 are rejected under 35 U.S.C. 102 (a) as being anticipated by Malmgren (US . Pat. No. 6609012).

Regarding claim 18, Malmgren teaches

A transmitting device (i.e. BS or base station, Abstract, column 2 line 60 - column 3 line 52; Fig. 2 where BS is the transmitting device where transceiver imply BS can be transmitting device or/and receiving device), comprising:

a plurality of data transmission antennas (column 1 lines 45-59 where each sector has its own antenna);

reception means, for the transmitting device, receiving an external designation signal designating one of the plurality of antennas for use in data transmission (column 2 line 60 - column 3 line 52; Fig. 2 where BS receive request for designation antenna transmit and receive data); and

transmission means transmitting data using the antenna designated by the designation signal (i.e. approved, column 3 lines 35 - 52).

A receiving device (i.e. BS or base station, Abstract, column 2 line 60 - column 3 line 52; Fig. 2 where BS is the also receiving device where transceiver imply BS can be transmitting device or/and receiving device), comprising:

a plurality of data reception antennas (column 1 lines 45-59 where each sector has its own antenna);

reception means, for the receiving device, receiving an external designation signal designating one of the plurality of antennas for use in data reception (column 2

line 60 - column 3 line 52; Fig. 2 where BS receive request for designation antenna for transmit and receive data); and

receiving means receiving data using the antenna designated by the designation signal (i.e. approved, column 3 lines 35 – 52; Fig. 2 where once BS approve selection of MT, the transceiver of the select sector will be use between MT and BS in communication.).

Regarding claim 19, Malmgren teaches a remote control device transmitting the designation signal to the reception means for the transmitting device (Fig. 2 where the MT send selection of sector use to the BS/transmitting in message 215 since BS antenna is a transceiver).

Regarding claim 20, Malmgren teaches a remote control device transmitting the designation signal to the reception means for the receiving device (Fig. 2 where the MT send selection of sector use to the BS/receiving device in message 215 since BS antenna is a transceiver).

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nguyen whose telephone number is (571) 270-7799. The examiner can normally be reached on Mon-Thurs from 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Jinsong Hu can be reached on (571) 272-3965. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MICHAEL NGUYEN/
Examiner, Art Unit 2617

/Jinsong Hu/
Supervisory Patent Examiner, Art Unit 2617